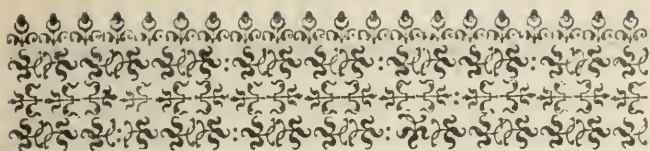


SPECIAL
COLLECTIONS
DOUGLAS
LIBRARY



QUEEN'S UNIVERSITY
AT KINGSTON
Presented by

KINGSTON ONTARIO CANADA



SOME FEW
OBSERVATIONS
upon his Majesties late Answer to
the Declaration, or Remonstrance of the Lords
and Commons of the 19. of May, 1642.

Pag. 1. *Of following the advise of our Councell of Scotland.*



Ur case is not as Scotlands was in all points, though in many it be very like, for our malignant party here is far greater and stronger, and more enraged against us, by their owne greatnesse, and more animated by our weaknesse. Yet we desire but the same satisfaction which Scotland had, without so much reluctance given them by the King. For their *Militia*, and all other subordinate power in that Kingdome, is settled in such hands as are publickly confided in, and yet this is utterly denied us. And our holding *Hull* is not like their holding *Newcastle*; yet their Honour is saved, whilst we are called unparallel'd Traitors, and they are restored to all demanded rights and securances, whilst we are charged of unpardonable Rebellion, and satisfaction is not offered to us, but required from us, in the most approbrious language that can be, yet still we will not follow the Councell of the Scots Lords, in yeelding to a party, nor depart from the example of them, in the manner

Pag. 2. *That We should fancy and create dangers to Our Selfe.*

We have little cause to think that the same malignant party which hath shed so much Protestant blood in Ireland, and about the same time plotted a villanous massacre in Edenborough, hath been supinely snorting in England all this Parliament, since their vigilance is more concerned here, then in either of these Kingdomes; and since they have advantages to doe mischises in England, far greater than in Scotland, and almost as great as in Ireland, and for the Plots themselves, divers of them have not been invisible, and yet if the King had not concealed, and did not yet conceale, some passages (as being below him) they had been more visible; but iealousie in such cases is not unpolitique, and the lesse iealous the King is, the more we have cause to be so: Ireland a few dayes before its ruine, had lesse ground offeare then we have had; some of our Treasons here have not been planted in Traines and Mines, so deep and dark, nor so much resembled the Cockatrice eye, as that of Ireland, and if the King be not privy to the Plots, yet as long as the Plotters having aymes beyond him, plow with his heifer, and act by his power, our condition is the more desperate and remediless, and since the King cannot see into the breasts of those his followers, whom we suspect, hee ought not so far to despise the publique iealousies of whole Nations, or the distractions or insecurity of such considerable multitudes as he doth; but the King appeales to Gods all-searching eye, and we doe the same, imploring of him to be the more vindicative in this case, the more destitute we all are of any other recourse or redresse upon earth.

Pag. 5. *Wherein they usurp the Word Parliament.*

The King frequently vowes to maintaine Parliaments in their Priviledges, yet his Papers many wayes derogate from them; For first if hee please to sever himselfe, those great Councils are not to bee named Parliaments. Secondly, whatsoever

soever name is due, the vertue of publike representation is denyed them, they are not to bee lookt upon as the whole Kingdome, and this is destructive to the essence of Parliaments. Thirdly, if the concurrence of both Houses, *Nullo contradicente*, be of some sanctity and authority, yet the maior part of both Houses is not so vigorous as the totall, and here is another devise to frustrate all Parliaments. Fourthly, if the maiority shall binde, and the minority acquiesce therein, yet if it bee objected that some few factious spirits mislead and befoole the majority, all is void, Parliaments thus are made ridiculous Assemblies, and all Justice at the last resort is to be expected from the Kings sole breast, or else no where; for if the King will withdraw himselfe, all Courts as well as Parliaments are thus defeated and disabled, and then if the King assumes not sole power to himselfe, all Government is expired, and no way is left for the Kingdome to preserve it selfe, and what can be more unnaturall? In policy then, if wee are growne weary of Parliaments, and will dissolve them into nothing, we ought to erect some other Court above them, or in their stead, or else to resigne all into the Kings sole boundlesse discretion, for any forme of Rule is better then none at all; and before we demolish old structures, we ought to be advised of the fashions of new.

Pag. 6. And whose advise we are resolved to follow.

But what if the major and better part of the privy Councell concur with the King, if Parliaments must down, that Rule is better then Anarchy; But hitherto neither both Houses, nor the Judges, nor the Lords of the Councell have concurred, but if the concurrence of Parliaments be not necessary, how can any other seeme but unnecessary, and at meere discretion, hath not the King the same right to shake off inferiour Councells, as that which is supreme, or shall he have cause to confide in the knowledge of lesse

Honourable Courts, more than of that which is the quintessence of all his Subjects, which is indeed the very Throne it selfe whereon he sits so sure, and whose consent and counsell is that very Diadem which enriches his Temples, and that Mace which armes his hands; who would have thought in time of Parliament to have heard the name of Privy Councellor cited to the lessening of Parliaments, yet here nothing but the very name too is cited, nor no compliance promised but arbitrary; so many wayes are Parliaments blowne away like bubbles, yet none is so much insisted on, as that which seemes most incredible, that Master *Pym*, and foure or five of his consorts should besot and stupifie two or three hundred Gentlemen chosen out of the flowre of the Kingdome, when as the King hath in Parliament some spirits as Mercuriall, and heads as watchfull, and hearts as resolute, without some extreemly violent Magicke, may seeme incredible, nay, were it certaine that Master *Pym* were the greatest Nigromancer living, and the deepest read in black infernall arts, I should hardly trust the efficacy of his spells in such expedients.

Pag. 8. *That those Rebels publicly threaten the rooting out of the name of the English.*

That the Irish Rebels by their successe are now intente to roote out the English, is probable, but their first ayme and cause of commotion might be some other more particular inducement, for the English Government was long before in the same manner irksome to them as now, but some other invitation now happened of shaking it off, and not before.

Ibidem.

Ibidem. As they have invaded that power of ours over the Militia.

The Question is not to be put indefinitely, whether or no the King ought to order the *Militia* in times of no extraordinary danger; our case is now upon supposition, if the King in extraordinary danger will not yeeld to such a Posture as the Kingdome thinkes most safe, whether the Parliament may not order that Posture of themselves, so the Parliament puts it. But the King puts it thus. If the Parliament invades his power over the *Militia* causelessly, whether they may not as well seize any Subjects estates. That question then which must decide all, is this, whether that Posture which the Parliament chuses, or that of the Kings, be most safe for the Kingdome at this time, and who shall iudge thereof most properly. Till now that the ancient Pillars of Law, and Policy were taken away, and the State set upon a new basis, no evill was to be presumed of the representative body of the Kingdome, nor no Justice expected from a King deserting his grand Councell, but now every man may arraign Parliaments, & they which understand no reason, must have reason, not authority to rely upon; no King was ever yet so just but that Parliaments have in some things reduced them from error, nor no Kings so unjust that Parliaments did seduce into errour, yet Parliaments are now charged of being enemies to Religion, laws, liberties. And the King to preserve these, absents himselfe from Parliaments, but since we must dispute for Parliaments; first we say they must in probabilitie be more knowing then any other privadoes; Secondly, in regard of their publike interest, they are more responsible then any other, and lesse to be complained of in case of errour. Thirdly, they have no private interest to deprave them, nothing can square with the Common Councell but the common good, and if 500. of the Nobilitie and Gentrey should ayme at an Aristocraticall usurpation, or any other power of oppression, they could never compasse their ends, it were folly in them. Some such objections have beene made against

this Parliament, but finding little credit, at last some few of the Parliament are pitcht upon, as if it were credible that all the kingdome in whose hands all reall naturall power consists would inslave themselves to 500. or those 500. voluntarily become slaves to five men. (good God) the King is presum'd to have the hearts of the majority, and to bee trampled upon by some few, and yet the magicall incantation is so strong, that neither the Kings Authoritie, nor the justice of his cause, nor the oppressed Commonaltie can prevaile against the Parliament, or the Parliament it selfe, against such an inconsiderable number in Parliament. O that some Mercury would reconcile my understanding in this Court Logick, or give me some clew of thread to disingage me out of this blind Labarinth; but to come more particularly to the *Militia* it selfe, now settled by the Parliament, the King excepts against the Parliaments ordinance, for two reasons, first because it excludes him for the disposing of it, and secondly from determining it at his pleasure, but we must know that the Kingdome trusts the King with Armes as it doth with the Lawes, and no otherwise, and since the King in Person is not most fit alwayes, nor can in all places be present, to execute either military or judiciall offices, therefore the maine execution in both is intrusted to substitutes; the end of all Authority in substitutes is, that the kingdom may be duely and safely served, not that the Kings meere fancy may be satisfied, and that end is more likely to be accomplished where the Kingdome, then where the King chuses, but whosoever chuses the substitutes, the King is not excluded thereby, for the King hath more cause to confide in men recommended by his highest Court, then the people have in men preferred meerely by the King, against the consent of his highest Court; . and if it were not so, yet the confidence and assurance of the people, in times of distractions, is more requisite then the Kings, but in this new *Militia*, the King is not so much excluded from his generall superintendance, and supreame influence, as he is in subordinate Courts of Justice, and yet even in the Kings Bench, where the King in Pleas of the Crowne may not sit

as Judge, he may not bee said to be excluded, neither is it any prejudice to the King in the second place, that he cannot determine these new Commissions at his pleasure without publik consent, except upon misdemeanour, for though all men naturally desire absolute command, and to be uncontroleable in things that are bad as well as things that are good, yet this is but the exorbitant desire of corrupted nature, and wise men doe not seeke alwayes to satisfie it, but rather to suppress it. In case of misdemeanour no mans commission shall justifie him against the King, and where no misdemeanour is, what would the meere power of determining the commission availe the King. For wee see in divers Monarchies and free States, some Princes which are limited from evill are not the more disabled from good, and if they be sometimes, that nation is perhaps happier, which intrusts Princes too little, then that which intrusts them too farre, and yet neverthelesse I desire to see no innovation in our English Monarchy, neither if this King shall upon this or that emergent occasion yeeld to some temporall restraint, would I wish to see it perpetuall, except in things onely tending to evill, for example, the King had a Prerogative to discontinue and dissolve Parliaments at pleasure, and the abuse of this Prerogative was the cause of all our late sufferings, but this Prerogative being restrayned, what injury is likely to follow eyther to the King or State, for in such restrictions, we are from greater evils, but from lesse good, the King ought not to be difficult, and in such restrictions which may disable from good, as well as evill, the people ought not to be importunate; but it is further objected that by the same power Parliaments may disseise both the King and Subiects from their estates, as they make ordinances for the *Militia*, but in truth is not this a strange result, the Parliament have power to doe good offices by the consent of the people, & therefore they may have power to doe ill offices against the consent both of King and People, it is of dangerous consequence to suppose that Parliaments will do any iniustice, it looseth one of the firmeest sinewes of Law to admit it; but to conclude that Parliaments can doe such iniustice as may oppresse both King
and

and People, from whom all their power is derived, is unnaturall : and whereas the King claymes an interest in the *Militia* as legall and proper as ours are, in our Lands or Tenements, we must avoyd mistakes herein ; for in our goods and inheritances we have not so pure and unconditionall a right, but that it is consistant with the common right also, and in this respect the Kings possessions are not priviledged more then a subiect, for the States proprietie cannot bee excluded out of eyther, the same man also may have severall proprieties in severall things, for that propriety which the King hath in a Subiect, is not the same, nor so intire as that which he hath in his horse, for that right which he hath as a Prince, is by way of trust, and all trust is commonly limited more for the use of the party trusting, then the partie trusted ; in some cases also there are mutuall proprieties, and so the King ownes us as his Subiects, and wee owne him as our King, but that ownership which we have in him as our King, is of a farre more excellent and high nature then that ownership which the King hath in us as his Subiects ; that occasionall interest which the Scots had in *Newcastle*, or the Parliament in *Hull*, did not wholly drowne the Kings interest, nor the Particular owners, such temporary possessions may sometimes happen without the utter disseisin or disinheritance of each other, and we see in a breach of peace, the Constable by force takes my sword from me, and in such manner as hee may not take my cloake, although my interest in my Sword is as good as in my cloake, and yet my property in my Sword is not altered by that proprietie which the officer seises to himselfe ; and doubtlesse had the same arguments beene pressed against disseisin of *Lesley*, as have beene since against Sir *John Hotham*, they would have beene held much more impertinent then now they are, so much more are wee vilipended and harder treated then other nations are ; let not common sense then bee so much baffled as to make this temporary possession of *Hull* taken

taken by *Mr John Hotham*, upon an extraordinary necessity of State so declared by the Judgement of Parliament, for the preventing of civill Warre; and consequently for the preventing of great dis-service, both to King and State; the same thing, as the violent intrusion of a private dis-seizor upon the just inheritance of his Neighbour: he which confesses, That the King hath a true and perfect interest in the Kingdom, doth not deny, That the Kingdom hath a more worthy and transcendent interest in it self, and in the King too: This is so far from contradiction, that he is farre from reason, that so conceives it. And he which doth not conceive that that which is the judgement of the major part in Parliament, is the sence of the whole Parliament; and that which is the sence of the whole Parliament, is the judgement of the whole Kingdom; and that which is the judgement of the whole Kingdom, is more vigorous, and sacred, and unquestionable, and further beyond all appeal, then that which is the judgement of the King alone, without all Councell, or of the King, with any other inferiour Clandestine Councell, must raze those rocky Foundations, upon which this State hath been so happily settled, for so many ages now past.

As to the impeachment of the six Members of Parliament, the King pleads retraction & satisfaction, his retraction is an acknowledgement, that it was a casuall single mistake; yet in forme only; for the grounds of his charge when they shall be published, he assures us, will satisfie the world; But in the meantime, these grounds are kept unpublished, contrary to the desire of the Parliament, and the whole Kingdom, and till that publication the world remains unsatisfied, nay it is most wonderfull, that so desperate and horrid a plot, as that yet seems to be, should be so long neglected, to the Kings vast dis-advantage, and the peoples miserable disquiet, if cleer satisfaction could be so easily given, every man sees, that the charge, if it had not good

Pag. 10. 11.

That no retraction made by us, nor no actions since that time committed against us, and the Laws of the Land, under pretence of vindication of priviledges, can satisfie the contriver of that Declaration.

grounds did stab furiously at the heart of all Parliaments, and at all Liberties in Parliament, but till publication of these grounds be, no man will presume to judge; yet it is of great concernment to His Majesties honour, and the Kingdoms peace, that it be not too long delayed. But in the next place, the King conceives, That the Parliament hath been injurious to him in Vindication of Parliament priviledges, and therefore ought to be satisfied; the Parliament still begs for that publication, for nothing else can make them appear to have been injurious; and till they appear to have been injurious, they ought not to be condemned as injurious, for *de non entibus & de non apparentibus eadem est ratio*; As for the Kings coming into the House of Commons so armed, till publication of the cause of that coming, the circumstances cannot be duly weighed,

Pag. 12.

Such a Minister might be punished for executing such Authority. By this Law the Subjects of England might not use any defensive force against an Officer in any case, though of the most undoubted priviledges, or rights, by a kinde of after game, he must seek remedy in the future; but for the present, he is remediless. But if this be Law, I think every man sees that the English mans liberty, and shure in the grand Charter, is a thing easily defeasable, for it is as likely, That the King may justifie and protect His Ministers, after the execution of unjust commands, as to urge them by undue Warrants to the same, and if so, then where is the Subjects of England, freedom and Patrimony; what is it still but held upon the Kings meer courtesie.

Pag. 15.

And if such be about us, or any against whom any notorious malicious crime can be proved, if we shelter or protect any such, let our injustice be published to the world. Its known to the King, who hath incensed Him against His Parliament, and who have given Councell derogatory to the honour, and destructive to the essence of all Parliaments, and to the Parliament this is utterly unknown; yet the King desires evidence of these things from the Parliament; Nay, though he disavow the sheltering of ill Ministers, yet he conceals

conceals such as have traduced and slandered the Parliament in some things notoriously false ; and yet to an ordinary understanding, it is the same thing to conceal, as to shelter a Delinquent ; and if it be below a King to reveal a trayterous Incendiary, that hath abused His ear with pernicious calumnies, It is below him too to leave him to justice being otherwayes revealed.

He which will not accuse the King for want of zeal against the Irish Rebels ; yet may truly say, there is not the same zeal exprest, as was against the Scots, though the case be farre

Pag. ibid.

They have implied our connivance, as want of zeal against the Rebels in Ireland.

different, for the Scots were Protestants, and had been greatly agrieved, and were not imbrued willingly in blood, and yet the English Nation against their wills, were most rigorously hastned, and inforced to Arm against them ; but now, when the English Nation and Scots too, were moved to indignation, and horreur, against the most bloody perfidious ingratefull villaines in the world ; their proffered supplyes are retarded, and opportunities are neglected, and nice exceptions framed, and the cursed reproaches of the Rebels themselves, calling the Parliament disloyall and Traytors, are countenanced and seconded.

The depositions taken concerning bringing up of the Army, do not evince beyond all doubt, that any such agitation was with the Kings

Pag. 17.

When with our privy the Army was in agitation.

privity ; but according to humane judgement, which do not alwayes proceed upon certain appearances of things. Some such things were in agitation, and some presumption there is of the Kings privy, and if in other cases such presumptions as these do not alwayes passe, for good and strong proofs ; yet I in my experience, did never here before, that they were rejected as light discourfes, though the King now contemn them so ; Neither is the meer miscarriage of the plot without the prevention of the Parliament, any good argument that no such

plot was, for so the Irish may be excused in all those places, which they failed to surprize, for treason were no treason, if it were not more obscure and hard to be discovered, and that as well by the ill as good successe of it.

Pag. 19.

We will have Justice
for those tumults.

As for those tumults about *Westminster*, how farre the *Londoners* were engaged in them, offensively, and defensively, and how farre the souldiers which were entertained at *Whitehall*, were raisers of them, and how farre theeves, and boutifures intermingled themselves for rapines sake, rests yet in judgement; and I conceive the Parliament is as desirous to have justice seasonably done therein, as the King; But sure, the English Nation, nor the City, nor the Parliament, cannot be suspected of having any intent to raise Arms against the Kings Person, or His Children: this were a great scandall and unmerited, and if the Kings flight was for fear of any cursed Assassins; for which the English have not been infamous, His ordinary Guard had been as safe to him here, as it is at *York*.

Page 21.

Where is every mans property, every mans liberty, if a major part of both Houses declare, That the Law is, That the younger Brother shall inherit, what becomes of all the families and estates in the Kingdom.

Here it is supposed, that Parliaments may make an Ordinance contrary to Law, Nature, Reason, Sence; and it is inferred therefore, That they are dangerous, and may bring the life and liberty of the Subject to a Lawlesse, and Arbitrary subjection; this supposition is inconsistent with one of the most sacred and venerable pillars of all Law and policy; and yet here it is insisted upon, Let all Chronicles be searched, and let one Story be cited of any Parliament, which did tyrannize over King and Subject, or ordain any thing to the mischief of both; yet Kings I think will not make the same challenge, the best of them have done Acts of oppression, and the Reasons are apparent for it; but no Reasons can be given why Parliaments should usurpe, or how they can usurpe; yet the Kings inference

rans against all Parliaments : He doth not say this Parliament tyrannizeth, and therefore he resides from them, and pronounces their Votes invalid, but because Parliaments may tyrannize ; therefore they have no power in their Votes at all, at any time whatsoever, further then the King ratifies them. The Parliament sayes not so much ; they say he is now seduced by wicked Councell, and therefore rejects their requests, to the danger of the State : In such cases they conceive there is a power in them to secure the State without his concurrence : At other times, when the Kings are not seduced, they ought to do nothing without their consent ; *for non recurrendum est ad extraordinaria in iis que fieri possunt per ordinaria* : Whether this or that Doctrine enwraps the greatest danger, let all the world judge.

As for seditious Preachers and Pamphletteers, the Parliament will not protest any, when greater matters are provided for, the Law shall have a free course against them ; and account shall be given by all which have favoured them. In the meantime the Parliament only desires, That it may not be put in these times of generall extreimity, to intend universall enormities, and in the legall pursuance thereof be made Informers, Solicitors, Witnesses, and Judges, and that they may not be bound to give an account for all misdemeanors, or to remedy all mens abuses in an instant, and notwithstanding all opposition, give generall satisfaction to all the world, or aspire to a condition above man. Pag. 27.
Seditious Pamphlets
and Sermons.

We hold Parliaments in England, as the Apples of our eyes ; and we know all liberty must stand or fall with them ; And we conceive Parliaments were never more endangered, nor by more conspiracies assailed, then they have been since this Parliament began : And the persons which possesse the King against them we cannot nominate, but he knows, and favours, and employes them. Pag. 24.
That such are continually preferred and countenanced by us, who are friends or favourers, or related unto the chief authors or actors of that arbitrary power heretofore practised and complained of.

Councillors which suggest advice to him, as his late papers carry in them, they are the malignant party; and their study is, That some way may be found out, so to master and quell this Parliament, as that is may president future times to do the same. Nothing is more visible, then that Parliaments are odious to Court parasites; and the same disposition which discontinued them so long, and dismissed them so often, still labours to frustrate and ruinate them for ever. What parties have been framed in the Country, in the City, in the Parliament it self, in *England*, in *Scotland*, in *Ireland*, in other Nations, to blast this Parliameat, and to make it scandalous; and yet we all see they are Traytors, they are unheard-of parallel'd Traytors: for seeking their own defence, for entertaining any jealousies, or for mentioning any plots: what late change there is in the King, or alienation from the defenders of arbitrary power, is not evident by his papers; for if they do truely represent him and his Councillors to us, we may doubt that Parliaments are not gotten into better grace at Court, then they were in my Lord of *Straffords* time; and yet it is undoubted, That if we suffer in the Rights of Parliaments, no other rights can be done us: And as we were better have no Parliaments, then Parliaments maimed in their privileges, so we had better have no being at all in *England*, then no Parliaments,

Page. 27.

VVe require no other Liberty to our wills, then the meanest of them do, we wish they would alwaies use that liberty, not to consent to any thing evidently contrary to our conscience and understanding: and we have, and shall alwaies give as much estimation and regard to the advice and counsell of both Houses

The main thing begged by the Parliament, is the Kings return, and that all subordinate power and honour (especially during our distractions) may be put into mens hands as the generality is assured of: How this should be contrary to His conscience and understanding here, and not in *Scotland*, I do not see; and yet that which was there reasonable, is here treasonable; nay, and though we be denied in it, yet we must not believe our eyes, for still it is press'd that the

Parlia-

Parliament has done nothing for the King, and have been denyed nothing from the King, in the least degree necessary to the peace, plenty, and security of the Subject; and yet in publike matters, conscience, and understanding are not alwayes to be too farre trusted, where we depart from Maior-parties, or such who are more to be trusted, then our selves, few Cases are in Law or policy beyond all dispute and scruple; and if the King in disputable Cases will charge His Own Apprehension, rather then His other Judges and Councillors, His brest must prove at last the sole unappealable Judge of all things.

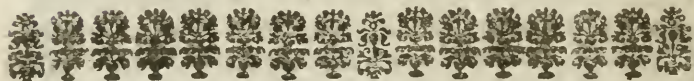
How the King is to give an account of His Royalty here, to His other Kingdoms, more then to this; or how it is beyond the cognizance of Parliaments, because he is accountable to God for it; I apprehend not, subordinate Magistrates are also account-

Page 27, 28.

The office and dignity of a King, is not within their determinations, and of which we must give an account to God, and our other Kingdoms.

able to God, and their power is derived from God, and yet it is not beyond humane determination, but some Courtiers do suggest that all supream dignities are so founded by Gods immediate hand alone, as there remains nothing humane in them, and that publike consent of such, and such Nations, as to such and such limits, and conditions is nothing at all requisite; this is the ground of all Arbitrary unbounded sway; for if Nations by common consent, can neither set limits, or judge of limits set to sovereignty, but must look upon it as a thing meerly divine, and above all humain consent or comprehension, then all nations are equally slaves, and we in *England* are borne to no more by the Laws of *England* then the *Afanine* Peasants of *France* are there, whose Wooden shoes and Canvas Breeches sufficiently proclaim, what a blessednesse it is to be borne under a meer divine Prerogative; but I hope that Prerogative, in defence of which, the King Intends to sacrifice his life, is that which is settled, and bounded by the known Laws of the Land, and whose surest Basis is the common consent, and whose most honourable
end

end is the common good, and not such a divine Prerogative; which none understand, but our ghostly Councillors, which alwayes expresse sufficient Enmity and Antipathy to the publicke Acts and Pactts of Men: It is generally believed, That these late expressions of the Kings had not been so sharp, if there had not been more of the divine, then either of the Lawyer or Statesman in them; But God send our Schollers more grace to think more honourable of their Pulpits, that the Church may be more edified, and the State lesse perturbed by them hereafter; twas heretofore *Simeon* and *Levi*, tis now *Levi* and *Simeon* the heads of the main Malignants, whose union breeds our disunion, were Papists and Hierarchists, they now are Hierarchists and Papists.



FINIS.









